

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DARRYL KILGORE and ELIZABETH
14 EVANS,

15 Defendants.

16 CASE NO. CR17-0203-JCC

17 ORDER

18 This matter comes before the Court on Defendants' motion to continue the trial date to at
19 least September 9, 2019 (Dkt. No. 214). Defendants have waived their rights under the Speedy
20 Trial Act, 18 U.S.C. §§ 3161–3174, for the period up to and including October 14, 2019. (Dkt.
21 Nos. 215, 218.) Having thoroughly considered the parties' briefing, Defendants' speedy trial
22 waivers, and the relevant record, the Court finds oral argument unnecessary and hereby
23 GRANTS the motion and finds as follows:

24 (a) In light of the circumstances presented in Defendants' motion, failure to grant a
25 continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18
26 U.S.C. § 3161(h)(7)(B)(i).

(b) Taking into account the exercise of due diligence, a failure to grant a continuance
in this case would deny defense counsel the reasonable time necessary for effective preparation

1 due to counsel's need for more time to review and gather evidence, prepare pretrial motions, and
2 consider possible defenses for this complex case, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv).

3 (c) The additional time requested is a reasonable period of delay, as Defendants have
4 requested more time for recently appointed counsel to prepare for trial, to review substantial
5 discovery, and to consider possible defenses.

6 (d) The ends of justice will best be served by a continuance, and the ends of justice
7 outweigh the best interests of the public and Defendants in a speedier trial, as set forth in 18
8 U.S.C. § 3161(h)(7)(A).

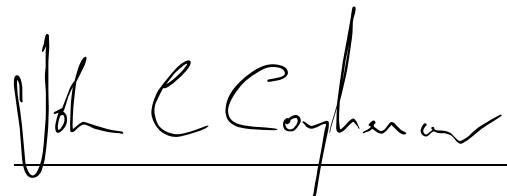
9 (e) The additional time requested between the current trial date of February 11, 2019 and
10 the new trial date is necessary to provide defense counsel the reasonable time necessary to
11 prepare for trial, considering the scope of the evidence and complexity of the case.

12 (f) The period of delay from the date of this order to the new trial date is excludable time
13 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

14 The Court therefore ORDERS that the trial date in this matter shall be continued to
15 September 9, 2019, and that pretrial motions shall be filed no later than August 5, 2019.

16 DATED this 22nd day of October 2018.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE